



Reprinted
February 1, 2005

SENATE BILL No. 159

DIGEST OF SB 159 (Updated January 31, 2005 3:47 pm - DI 106)

Citations Affected: IC 35-46; noncode.

Synopsis: Cruelty to animals. Requires a court to consider counseling as part of the sentence imposed on an adult or juvenile who has committed animal cruelty, and permits a court to order the adult or juvenile to receive counseling.

Effective: July 1, 2005.

**Lanane, Young R Michael, Howard,
Zakas, Breaux, Long**

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 19, 2005, reported favorably — Do Pass.
January 31, 2005, read second time, amended, ordered engrossed.

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SB 159—LS 6204/DI 106+



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February 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 159

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-3-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) This section
3 does not apply to a person who euthanizes an injured, a sick, a
4 homeless, or an unwanted domestic animal if:

5 (1) the person is employed by a humane society, an animal control
6 agency, or a governmental entity operating an animal shelter or
7 other animal impounding facility; and

8 (2) the person euthanizes the domestic animal in accordance with
9 guidelines adopted by the humane society, animal control agency,
10 or governmental entity operating the animal shelter or other
11 animal impounding facility.

12 (b) A person who knowingly or intentionally beats a vertebrate
13 animal commits cruelty to an animal, a Class A misdemeanor.
14 However, the offense is a Class D felony if:

15 (1) the person has a previous, unrelated conviction under this
16 section; or

17 (2) the person knowingly or intentionally tortures or mutilates a

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1 vertebrate animal.

2 (c) It is a defense to a prosecution under this section that the
3 accused person:

4 (1) reasonably believes the conduct was necessary to:

5 (A) prevent injury to the accused person or another person;

6 (B) protect the property of the accused person from destruction
7 or substantial damage; or

8 (C) prevent a seriously injured vertebrate animal from
9 prolonged suffering; or

10 (2) engaged in a reasonable and recognized act of training,
11 handling, or disciplining the vertebrate animal.

12 **(d) When a court imposes a sentence or enters a dispositional**
13 **decree under this section, the court:**

14 **(1) shall consider requiring:**

15 **(A) a person convicted of an offense under this section; or**

16 **(B) a juvenile adjudicated a delinquent for committing an**
17 **act that would be a crime under this section if committed**
18 **by an adult;**

19 **to receive psychological, behavioral, or other counseling as a**
20 **part of the sentence or dispositional decree; and**

21 **(2) may order:**

22 **(A) a person convicted of an offense under this section; or**

23 **(B) a juvenile adjudicated a delinquent for committing an**
24 **act that would be a crime under this section if committed**
25 **by an adult;**

26 **to receive psychological, behavioral, or other counseling as a**
27 **part of the sentence or dispositional decree.**

28 **SECTION 2. [EFFECTIVE JULY 1, 2005] IC 35-46-3-12, as**
29 **amended by this act, applies only to offenses committed after June**
30 **30, 2005.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 159 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Young R be added as second author and Senators Howard and Zakas be added as coauthors of Senate Bill 159.

LANANE

SENATE MOTION

Madam President: I move that Senator Breau be added as coauthor of Senate Bill 159.

LANANE

SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Senate Bill 159.

LANANE

SENATE MOTION

Madam President: I move that Senator Young R be removed as second author of Senate Bill 159.

YOUNG R

SENATE MOTION

Madam President: I move that Senator Young R Michael be added as second author of Senate Bill 159.

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SENATE MOTION

Madam President: I move that Senate Bill 159 be amended to read as follows:

Page 2, line 12, after "sentence" insert "**or enters a dispositional decree**".

Page 2, line 14, delete "requiring" and insert "**requiring:**
(A)".

Page 2, line 15, delete "section" and insert "**section; or**
(B) a juvenile adjudicated a delinquent for committing an act that would be a crime under this section if committed by an adult;".

Page 2, line 15, beginning with "to" begin a new line block indented.

Page 2, line 16, delete "sentence;" and insert "**sentence or dispositional decree;**".

Page 2, line 17, delete "order" and insert "**order:**
(A)".

Page 2, line 18, delete "section" and insert "**section; or**
(B) a juvenile adjudicated a delinquent for committing an act that would be a crime under this section if committed by an adult;".

Page 2, line 18, beginning with "to" begin a new line block indented.

Page 2, line 19, delete "sentence." and insert "**sentence or dispositional decree.**".

(Reference is to SB 159 as printed January 20, 2005.)

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